

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: STRYKER REJUVENATE AND)
ABG II HIP IMPLANT PRODUCTS)
LIABILITY LITIGATION) MDL No. 2441

This Document Relates to:

ALL CASES

MOTION TO AUTHORIZE PAYMENT OF COMMON BENEFIT EXPENSES
FOR QSF ADMINISTRATION SERVICES

Peter J. Flowers, Esq., on behalf of the Plaintiff's Settlement Oversight Committee ("SOC"), and on behalf of all plaintiffs enrolled in the Stryker Orthopaedics ABGII/Rejuvenate Modular-Neck Hip Stem Settlement Program, (collectively, "Counsel") in order to settle claims against Howmedica Osteonics Corp. ("Defendant" or "Stryker Orthopaedics") and the other released entities and individuals as set forth in the Master Settlement Agreement signed by the Parties on November 3, 2014, and amended on July 1, 2015 (the "MSA"), move this Court for an Order to authorize payment to Providio as the QSF Administrator as described herein, all pursuant to the terms, conditions, and restrictions of the MSA, Pretrial Order #30 of this Court dated July 2, 2015 ("PTO 30"), and the Qualified Settlement Fund Agreement between the MDL Settlement Oversight Committee (the "SOC") and Providio dated June 22, 2015 and as amended effective July 1, 2015 (collectively, the "QSF Agreement"). All capitalized terms used herein but not otherwise defined shall have the meaning set forth in PTO 30 and/or the MSA. In support of this Motion, Counsel respectfully states as follows:

1. Pursuant to PTO 30, Providio has been appointed as the QSF Administrator.
2. Pursuant to PTO 30, the MSA and the QSF Agreement, Providio has commenced the establishment and administration of the QSF Award Fund and its related sub-accounts.
3. On July 17, 2015, the QSF Administrator effected the first disbursements (a) from the QSF Award Fund to the MDL Award Fund, the MDL Common Benefit Cost Assessment Account and MDL Common Benefit Fee Assessment Account; and (b) from the MDL Award Fund to those Settlement Program Claimants who were eligible for disbursement at that time, all in accordance with the MSA, PTO 30 and the QSF Agreement.
4. The Court ordered that invoices relating to the first disbursements for services rendered through July, 2015, be paid in accordance with PTO 31. Plaintiffs now request that the Court authorize payment to Providio for services rendered from August 2015, through January 2016.
5. Based on the completion of disbursements through January 15, 2016, and in accordance with Section 11(a) of the QSF Agreement as well as PTO 30, QSF Administrator has submitted to Plaintiffs the second QSF Administration services invoice with accompanying detail attached hereto as **Exhibit A** (the “**Stryker MDL Invoice Summary 1.22.2016**”).
6. Counsel have conferred with Defendants’ Counsel and, while neither Defendants’ Counsel nor Defendant are involved in the review, analysis or approval of the QSF or VOE Invoices, Defendants’ Counsel have agreed

to the filing of this Motion, the general relief sought by the Plaintiffs' SOC, and to the Proposed Order attached hereto as Exhibit B.

7. Plaintiffs request that the Court order the QSF Administrator to transfer funds from the MDL Common Benefit Cost Assessment Account to Providio sufficient to pay the invoices identified in Exhibit A in full.

WHEREFORE, for the foregoing reasons, SOC respectfully request that this Court issue an Order (attached hereto as Exhibit B) as follows:

1. Authorize Providio as the QSF Administrator to disburse monies from the MDL Common Benefit Cost Assessment Account to Providio for full and final payment of the invoices identified in the Stryker MDL Invoice Summary 1.22.2016.

Respectfully submitted,

Dated: January 25, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served electronically via the Court's ECF system on the 25th day of January, 2016 to the following, including Defendants' Lead and Liaison Counsel, who are charged with coordinating service for all other Defendants' counsel of record.

/s/ Peter J. Flowers

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/s/ Peter J. Flowers

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